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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Holmes County Broadcasting Company, LLC	)	File No.: EB-FIELDSCR-13-00010984
	)	
Licensee of Station WXTN-AM and WAGR-FM	)	NOV No.: V201332620028
Owner of Antenna Structure No. 1042033	)	
	)	Facility ID: 27486/ 21155
Lexington, Mississippi	)	
	)	

**NOTICE OF VIOLATION**

**Released: September 13, 2013**

By the Deputy Regional Director, New Orleans Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Holmes County Broadcasting Company, LLC, owner of antenna structure number 1042033 and licensee of AM Station WXTN and FM Station WAGR in Lexington, Mississippi. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On August 19 and 20, 2013, an agent of the Enforcement Bureau's New Orleans Office inspected antenna structure number 1042033 in Lexington, Mississippi and observed the following violation:

- a. 47 C.F.R. § 17.51(a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." At the time of inspection after sunset on both days, the agent observed the red beacons and side lights were extinguished.

3. On August 21, 2013, an agent of the Enforcement Bureau's New Orleans Office inspected Stations WXTN and WAGR located at 100 Radio Rd., Lexington, Mississippi and observed the following violation:

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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- a. 47 C.F.R. § 11.52(d)(2): “Emergency Alert System (EAS) participants must comply with the following monitoring requirement: With respect to monitoring EAS messages formatted in accordance with the specifications set forth in § 11.56(a)(2), EAS Participants’ EAS equipment must interface with the Federal Emergency Management Agency’s Integrated Public Alert and Warning System (IPAWS) to enable ... the distribution of Common Alert Protocol (CAP)-formatted alert messages from the IPAWS system to EAS Participants’ EAS equipment.” At the time of inspection, WXTN and WARG’s EAS equipment did not have an interface with the Federal Emergency Management Agency’s IPAWS.

4. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its licensees.

5. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Holmes County Broadcasting Company, LLC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific actions taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

6. In accordance with Section 1.16 of the Rules, we direct Holmes County Broadcasting Company, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Holmes County Broadcasting Company, LLC, with personal knowledge of the representations provided in Holmes County Broadcasting Company, LLC’s response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
New Orleans Office  
2424 Edenborn Ave.  
Suite 460  
Metairie, LA 70001

8. This Notice shall be sent to Holmes County Broadcasting Company, LLC at its address of record.

9. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lloyd Perry  
Deputy Regional Director  
New Orleans District Office  
South Central Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).